IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3687 OF 2006

Mallappa B. Nagrale ... Petitioner

Vs.

Balu S. Murale ... Respondent

Mr. S. D. Dharmadhikari, Advocate for the Petitioner.

CORAM : V. C. DAGA, J.

DATE : AUGUST 28, 2006.

P.C.

. Heard the learned counsel for the rival parties. This petition is directed against the order dated 8-2-2006 passed in Regular Civil Appeal No. 205 of 2005 (Old Regular Civil Appeal No. 438 of 2004), confirming decree for eviction passed by the Trial Court in Regular Civil Suit No. 267 of of 2002.

2. In view of the findings of fact recorded by courts below , no case is made out to interfere with the impugned order and judgment of the lower Appellate Court. The view taken by the Courts below is a reasonable and possible view. No perversity in the

impugned order could be demonstrated by the learned counsel for the petitioner.

3. In the above view of the matter, petition is liable to stands dismissed.

4. At this stage, the learned counsel appearing for petitioner sought time to vacate premises amd prayed for grant of reasonable time.

5. The learned counsel for the Respondent has no objection for grant of reasonable time.

6. In that view of the order, time to vacate premises is granted upto 31st December, 2006, subject to furnishing usual undertaking by the Petitioner, in this Court, within two weeks from today with copy thereof to the Respondents through their advocate.

7. It is made clear that Respondent shall be free to execute decree after expiry of the stipulated period if no undertaking furnished

in accordance with law.

[V. C. DAGA, J.]